

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14551, of Christopher M. John, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the side yard requirements (Sub-section 3305.1) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7105.12) to construct an addition to a nonconforming structure in a R-1-B District at premises 4529 Burlington Place, N.W., (Square 1569, Lot 20).

HEARING DATE: February 11, 1987  
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The site, known as premises 4529 Burlington Place, N.W., is located on the north side of Burlington Place between 45th and 46th Streets, N.W. The site is located in the R-1-B District.

2. The site is generally rectangular in shape with a frontage of 50 feet along Burlington Place and an average depth of approximately 74 feet. A 16 foot wide public alley is adjacent to the west of the site. Another 16 foot wide public alley is adjacent to the rear of the site.

3. The site is improved with a two-story structure constructed in 1936 prior to (May 12, 1958) the effective date of the current Zoning Regulations. On that date the structure became nonconforming as to rear and side yards.

4. The R-1-B District extends in all directions from the site. The area is developed with single family detached residential structures.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicant is seeking variances from the side yard requirements (Sub-section 3305.1) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7105.12) to construct an addition to the existing structure.

6. A 19 and one-half foot by 13 foot concrete patio exists at the site of the proposed addition. The patio has footings sufficient to put a structure on.

7. The proposed addition would be a one story room with a slanted roof. The room would provide additional space for the applicant's increased family size.

8. The side of the house where the addition would be located faces the alley and back yards of other houses. The nearest neighborhood house is 54 feet away. The patio is currently approximately four feet from the side property line and 18 feet from the rear property line.

9. The addition is proposed to be constructed at the west of the structure in order to utilize the concrete patio and preserve the open space to the rear and east of the structure.

10. Advisory Neighborhood Commission (ANC) 3E report was not submitted timely to the record.

11. Neighbors of the site submitted letters to the record in support of the application stating that the proposed addition will be an attractive addition to the neighborhood, is similar to others in the block, and will have no negative effect on the neighborhood.

12. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Section 3304.1 of the Zoning Regulations requires a rear yard of 25 feet in the R-1-B District. The addition will provide a rear yard average of 18.95 feet necessitating a variance of 6.05 feet or 24.2 percent. Section 3305.1 requires that a side yard of eight feet be provided. The addition will provide a side yard of four feet necessitating a variance of four or 50 percent. Paragraph 7105.12 prohibits the construction of an addition to a structure which increases its nonconformity.

The Board concludes that the applicant has met the burden of proof. The structure is currently nonconforming, the addition will not increase the nonconformity of the rear yard. The addition will be located in the most logical position which will utilize the existing concrete slab and will not extend beyond the boundaries of the slab. The

Board notes that the west side of the house where the addition is proposed to be located is adjacent to a public alley. A public alley is also located to the rear of the addition.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 6 of the record.

VOTE: 3-0 (Maybelle T. Bennett, William F. McIntosh and Paula L. Jewell to grant; Charles R. Norris and Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: APR 10 1987  
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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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